

REMARKS

Claims 1-26 are pending. Claims 1-3, 5-10, 12-17 and 19-25 stand as rejected, and claims 4, 11, 18 and 26 are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants respectfully request reconsideration of the rejections based upon the following remarks.

Rejections Under 35 U.S.C. § 103

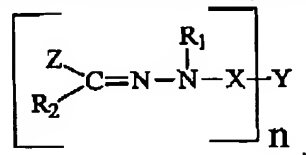
The Examiner rejected claims 1-3, 5-10, 12-17 and 19-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,768,010 to Tokarski et al. (the '010 patent). Additionally, the Examiner indicated that the '010 patent is only available as prior art under 35 U.S.C. § 102(e). "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." 35 U.S.C. § 103(c). Applicants submit that the '010 patent and the present invention were, at the time the present invention was made, owned by the same person or subject to an obligation of assignment to the same person. As such, the '010 patent is not an available reference for an obviousness rejection, and therefore Applicants respectfully request the withdrawal of the rejection of claims 1-3, 5-10, 12-17 and 19-25 under 35 U.S.C. § 103(a) as being unpatentable over the '010 patent.

Double Patenting Rejection

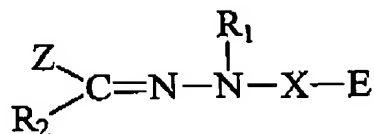
The Examiner provisionally rejected claims 1-3, 5-10, 12-17 and 19-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of co-pending Application No. 10/699364. Applicants submit that the claims of co-pending application do not teach or suggest the present claims, and respectfully request reconsideration of the rejection based upon the following comments.

Application No. 10/695,581

The claims of the '364 Application relate to charge transport material having the formula



where Y comprises a bond, C, N, O, S, a branched or linear $-(\text{CH}_2)_p-$ group where p is an integer between 0 and 10, an aromatic group, a cycloalkyl group, a heterocyclic group, or a NR_7 group where R_7 is hydrogen atom, an alkyl group, or aryl group, and wherein Y has a multivalent structure selected to form n bonds with the corresponding X groups. In contrast, the present invention, as claimed in independent claims 1, 8, 15 and 23, relates to a charge transport compound having the formula



where E is an epoxy group. Additionally, the Y group in the '364 application is claimed as being multivalent to form n bonds with the X groups, while the epoxy group is a monovalent group. As such, the claims of the '364 application clearly do not teach or suggest an epoxy group. Since the claims of the '364 application do not teach or suggest Y group that is an epoxy group, the claims of the '364 application does not render Applicants' invention, as claimed in independent claims 1, 8, 15 and 23, prima facie obvious.

Since the claims of the '364 application do not render Applicants' claimed invention prima facie obvious, Applicants respectfully request the withdrawal of the rejection of claims 1-3, 5-10, 12-17 and 19-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of co-pending Application No. 10/699364.

Application No. 10/695,581

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Brian L. Jarrells
Registration No. 53,067

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1535